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P&G Case 8043M

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of :  
 J. J. KESTER ET AL. :  
 Serial No.: 09/827,834 : Group Art Unit: 1617  
 Filed: April 6, 2001 : Examiner: K. Stiller  
 For: Compositions for Reducing :  
 Cholesterolemia and Controlling of :  
 Postprandial Blood Glucose and :  
 Insulin Levels :  
 :

**RESPONSE UNDER 37 C.F.R. 1.111**

Assistant Commissioner of Patents and Trademarks

Washington, D.C. 20231

Dear Sir:

This is in response to the Office Action dated December 7, 2001, which provides a 1 month period for response. As this response is being mailed on or before the due date of January 7, 2002, no fees are believed to be due.

**REMARKS**

**Status**

This application was filed on April 6, 2001 and claims priority to U.S. Provisional Application Number 60/196,410, filed April 12, 2000. The present Action sets forth a restriction requirement (setting forth 3 allegedly distinct inventions) and an election of species requirement.

**Restriction Requirement**

The Examiner asserts that the following three (3) distinct inventions are claimed:

Group I: Claims 1-16, 23, 27 and 28, drawn to compositions/foods.

Group II: Claims 17-22, drawn to methods of reducing blood cholesterol or controlling postprandial blood glucose and insulin levels in a patient.

Group III: Claims 23-26, drawn to dough compositions.

Applicants elect to prosecute the subject matter of Group I (directed to compositions or foods). However, Applicants traverse the restriction requirement for the following reasons.